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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUZ M. VEGA, an Infant by Her Parent And
Natural Guardian, MANUELA VALENTIN,

ECF CASE

Plaintiffs,

07 Civ. 2940 (GEL)

-against-

THE BRONX-LEBANON HOSPITAL CENTER,
ILIANA ROBINSON,

Defendants.

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THE BRONX-LEBANON HOSPITAL CENTER,

Third-Party Plaintiff,

-against-

MORRIS HEIGHTS MEDICAL CENTER,

Third-Party Defendant.

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**PLAINTIFF'S FRCP RULE 26(a) (2)
DISCLOSURE OF EXPERT TESTIMONY**

Plaintiff Luz. M. Vega, an Infant, by her Parent and Natural Guardian, Manuela Valentin, by and through her attorneys, Fitzgerald & Fitzgerald, P.C., 538 Riverdale Avenue, Yonkers, New York 10705, hereby provides its disclosure of expert testimony Rule 26(a) (2) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), as follows:

1. Plaintiff expects to call Eugene Shapiro, M.D. as an expert witness in the field of pediatric infectious diseases at the trial of this matter.
2. The qualifications of Dr. Shapiro are set forth in his curriculum vitae, a copy of which is annexed hereto as **Exhibit "A"**.
3. It is expected that Dr. Shapiro will testify consistently with the information

contained in his medical report a copy of which is attached hereto and made a part hereof as

Exhibit B.

4. It is expected that Dr. Shapiro will testify as to his expert diagnosis that to a reasonable degree of medical certainty, the infant plaintiff did not have congenital syphilis or neuro-syphilis, and that the cerebral palsy and the profound psychomotor retardation and other injuries of the infant plaintiff are not the result of either congenital syphilis or neuro-syphilis, as more fully detailed in his report a copy of which is attached as Exhibit B.

5. The grounds for Dr. Shapiro's testimony will be his review of all relevant medical records, including past and present lab test results, pleadings, deposition transcripts, his knowledge, training, expertise, education and experience in the field of pediatric infectious diseases as well as any further testimony or evidence developed during discovery or at trial.

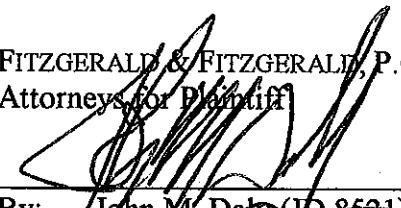
6. Annexed hereto as part of Exhibit "A" is a list of publications by Dr. Shapiro that have been published over the past ten (10) years.

7. Dr. Shapiro is not in possession of and does not maintain a list of cases in which he has testified as an expert at trial or by deposition within the past four years.

8. Dr Shapiro's testimony fee is \$5,000.00 for a full day's appearance in court. His fee for the medical record review and report is \$500.00 per hour. Dr. Shapiro's hourly rate is \$600.00 for deposition preparation and testimony.

9. Plaintiff reserves the right to supplement this response if and when additional information becomes known.

Dated: Yonkers, New York
May 9, 2008


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EXHIBIT A

CURRICULUM VITAE**Eugene David Shapiro, M.D.**

Birthdate: August 22, 1948
 Birthplace: Syracuse, New York
 Citizenship: U.S.A.
 Social Security No.: 127-40-7539

Business Address: Department of Pediatrics
 Yale University School of Medicine
 333 Cedar Street
 P. O. Box 208064
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 FAX (203) 785-3932 E-mail: Eugene.Shapiro@Yale.edu

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 New Haven, Connecticut 06511-2809
 (203) 562-3675

EDUCATION**Undergraduate**

1966-1970 Yale University, New Haven, Connecticut; B.A., English Literature.

Graduate

1972-1976 University of California, San Francisco School of Medicine, San Francisco, California; M.D.

Post Graduate

1976-1979 Children's Hospital of Pittsburgh, Pittsburgh, Pennsylvania; Residency in Pediatrics, T. K. Oliver, Jr., M.D., Chairman and Program Director.

1979-1981 Children's Hospital of Pittsburgh, Pittsburgh, Pennsylvania; Fellowship, Pediatric Infectious Diseases, R. H. Michaels, M.D., Chief, Division of Infectious Diseases.

1981-1983 Yale University School of Medicine, New Haven, Connecticut; Robert Wood Johnson Clinical Scholar, A. R. Feinstein, M.D., Program Director.

HONORS

1970 *Cum laude*, Yale University

1991 Fellow, Branford College, Yale University
1993 Master of Arts Privatum (honorary degree), Yale University
Multiple America's Top Doctors
Multiple Best Doctors in New York

APPOINTMENTS

2007- Director of Education, Yale Center for Clinical Investigation and for Yale's Clinical and Translational Science Award
2006- Director, KL-2 Component of Yale's Clinical and Translational Science Award
2004- Deputy Director, Yale Program in Investigative Medicine.
2000- Appointment to Faculty of Graduate School; Charter faculty member of faculty in newly established Ph.D. Program in Investigative Medicine, Yale University School of Medicine, New Haven, Connecticut.
1993- Professor of Pediatrics and of Epidemiology and Public Health, Yale University School of Medicine, New Haven, Connecticut.
1989-1993 Associate Professor of Pediatrics and of Epidemiology and Public Health, Yale University School of Medicine, New Haven, Connecticut.
1983-1989 Assistant Professor of Pediatrics and of Epidemiology and Public Health, Yale University School of Medicine, New Haven, Connecticut.
1985-1992 Director of Pediatric Emergency Services, Yale-New Haven Hospital, New Haven, Connecticut.
1983-1988 Assistant Director Cystic Fibrosis Center, Yale-New Haven Hospital, New Haven, Connecticut.

CERTIFICATION

1980 American Board of Pediatrics #25147
1988 Pediatric Infectious Disease Society
1994, 2002 American Board of Pediatrics--Infectious Diseases #040957

LICENSURE

1981 Department of Health Services, State of Connecticut #022779

PROFESSIONAL SOCIETIES

American Academy of Pediatrics

American Epidemiologic Society
American Pediatric Society
Association for Clinical Research Training
Infectious Diseases Society of America
Pediatric Infectious Disease Society
Society for Pediatric Research

JOURNALS

Editor

The Report on Pediatric Infectious Diseases (Co-Chief Editor 1995-98)

Editorial Board

Pediatric Infectious Disease Journal (1994-2000)
Infectious Diseases in Children
Infectious Disease News

Ad Hoc Reviewer

American Journal of Epidemiology
American Journal of Infection Control
American Journal of Medicine
American Journal of Public Health
American Journal of Tropical Medicine
Annals of Internal Medicine
Archives of Internal Medicine
Archives of Pediatrics and Adolescent Medicine
Clinical Infectious Diseases
Chest
CNS Drugs
Consultant to American Medical Association's Drug Evaluations
Consultant to The Medical Letter
Emerging Infectious Diseases
European Journal of Pediatrics
European Journal of Clinical Microbiology and Infectious Diseases
Infection
Journal of the American Medical Association
Journal of Clinical Epidemiology
Journal of Infectious Diseases
Journal of Clinical Epidemiology
Journal of Pediatrics
Lancet
New England Journal of Medicine
Pediatric Infectious Disease Journal
Pediatrics
Pediatric Research
Vaccine
Yale Press

MEMBERSHIP ON NATIONAL AND INTERNATIONAL COMMITTEES

1. Consultant to the World Health Organization, Acute Respiratory Infections Control Programme, Geneva, Switzerland
2. Member, Infectious Diseases Society of America Committee to Develop Guidelines for Studies of New Antimicrobial Agents for the Food and Drug Administration
3. Chairman, Oversight Committee for the National Collaborative Randomized Clinical Trial of Dexamethasone to Prevent Hearing Loss in Children with Bacterial Meningitis
4. Member, Oversight Committee for the Randomized Clinical Trial of PRP-T Vaccine to Prevent Haemophilus infections in Children at Kaiser-Permanente of Southern California.
5. Consultant, National Vaccine Injury Compensation Program, Rockville, Maryland.
6. Special Reviewer, Department of Health, United Kingdom
7. Chairman, Scientific Advisory Group for the Epidemiology Branch of the Division of Epidemiology, Biostatistics and Prevention Research, National Institute of Child Health and Human Development.
8. Member, Infectious Diseases Society of America Committee to Develop Guidelines for Management of Patients with Lyme Disease 2000-2001 and 2005-2006
9. Member, Oversight Committee for a national study (sponsored by the Centers for Disease Control and Boston University) of the association between use of ibuprofen and the risk of serious infections caused by group A streptococci.
10. Member, Oversight Committee for a national study (sponsored by the NIH and the University of Minnesota) of vaccination of mothers with a conjugate pneumococcal vaccine to prevent otitis media in infants.
11. Elected to the Council, Pediatric Infectious Diseases Society (1997-2002)
12. Planning Committee, 9th International Conference on Lyme Borreliosis
13. Special Consultant, World Health Organization, Department of Vaccines and Biologicals
14. Special Advisor, Food and Drug Administration, Vaccine Advisory Committee
15. Member, NIH Study Section: Clinical Research and Field Studies ZRG-1 IDM-B-12 (2004-present)
16. Member, American Board of Pediatrics, Infectious Diseases sub-board, 2007-13

17. Member, American Academy of Neurology Committee to Develop Guidelines for Treatment of Lyme Neuroborreliosis 2005-2006
18. Chairperson, Data Safety and Monitoring Board for a randomized clinical trial (sponsored by the NIH and the University of Pittsburgh) of antibiotic vs. placebo to treat otitis media in infants.

PUBLICATIONS

Original Articles

1. Rothenberg A, **Shapiro ED**: The defense of psychoanalysis in literature: *Long Day's Journey Into Night* and *A View From the Bridge*. Comparative Drama 7:51-67, 1973.
2. **Shapiro ED**, Neches WH, Matthews RA: Corpus luteum hemorrhagicum: An unusual complication of anticoagulant therapy. Am J Dis Child 132:523-524, 1980.
3. **Shapiro ED**, Wald ER: Efficacy of rifampin in eliminating pharyngeal carriage of *Haemophilus influenzae* type b. Pediatrics 66:5-8, 1980.
4. **Shapiro ED**: Persistent pharyngeal carriage of *Haemophilus influenzae* type b following intravenous chloramphenicol. Pediatrics 67:436-437, 1981.
5. **Shapiro ED**: *Yersinia enterocolitica* septicemia in normal infants. Am J Dis Child 113:477-478, 1981.
6. **Shapiro ED**, Wald ER: Single dose amoxicillin treatment of urinary tract infection. J Pediatr 99:989-992, 1981.
7. **Shapiro ED**: Prophylaxis for contacts of patients with meningococcal and *Haemophilus influenzae* type b disease. Pediatr Infect Dis 2:132-138, 1982.
8. **Shapiro ED**, Wald ER, Doyle W, Rohn D: Bacteriology of the maxillary sinus of rhesus monkeys. Ann Otol Rhinol Otolaryngol 91:150-151, 1982.
9. Bowers SK, MacDonald HN, **Shapiro ED**: Prevention of iatrogenic neonatal respiratory distress syndrome: Elective repeat cesarean section and spontaneous labor. Am J Obstet Gynecol 142:186-190, 1982.
10. **Shapiro ED**, Wald ER, Brozanski BS: Periorbital and orbital cellulitis and paranasal sinusitis: a reappraisal. Pediatr Infect Dis 2:91-94, 1982.
11. **Shapiro ED**, Wald ER, Nelson K, Spiegelman KN: Broviac catheter-related bacteremia in oncology patients. Am J Dis Child 136:679-681, 1982.

12. **Shapiro ED:** Short-course antimicrobial treatment of urinary tract infections in children: A critical analysis. *Pediatr Infect Dis* 1:294-297, 1982.
13. **Shapiro ED, Milmoe GJ, Wald ER, Rodnan JB, Bowen A:** Bacteriology of the maxillary sinuses in patients with cystic fibrosis. *J Infect Dis* 146:589-593, 1982.
14. Clemens JD, **Shapiro ED:** The pneumococcal vaccine controversy: Are there alternatives to randomized clinical trials. *Rev Infect Dis* 6:589-600, 1984.
15. **Shapiro ED, Clemens JD:** A controlled evaluation of the protective efficacy of pneumococcal vaccine for patients at high risk for serious pneumococcal infections. *Ann Intern Med* 101:325-330, 1984.
16. **Shapiro ED:** Exclusion of ill children from day-care centers: Policy and practice. *Clin Pediatr* 23:689-691, 1984.
17. Baron J, **Shapiro ED:** Unsuspected bacteremia caused by *Branhamella catarrhalis*. *Pediatr Infect Dis* 4:100-101, 1985.
18. Kovatch AL, Wald ER, Albo VC, Prin W, Orlando SJ, Wollman MR, Phebus CK, **Shapiro ED:** Oral trimethoprim/sulfamethoxazole for the prevention of bacterial infections during the induction phase of chemotherapy for cancer in children. *J Pediatr* 76:754-760, 1985.
19. Springer GL, **Shapiro ED:** Fresh water swimming as a risk factor for otitis externa: A case-control study. *Arch Environ Health* 40:202-206, 1985.
20. Katz JN, Horwitz RI, Dolan TF, **Shapiro ED:** Clinical features as predictors of functional status for children with cystic fibrosis. *J Pediatr* 108: 352-358, 1986.
21. **Shapiro ED, Kuritsky J, Potter J:** Policies for the exclusion of ill children from group day-care: An unresolved dilemma. *Rev Infect Dis* 8:622-625, 1986.
22. Leventhal JM, **Shapiro ED, Aten CB, Bert AT, Egerter SA:** Does breast-feeding protect against infections in infants less than three months of age? *Pediatrics* 78:896-903, 1986.
23. Bauchner H, Leventhal JM, **Shapiro ED:** Studies of breast-feeding and infections: How good is the evidence? *JAMA* 256:887-892, 1986.
24. **Shapiro ED, Aaron NH, Wald ER, Chiponis D:** Risk factors for the development of bacterial meningitis among children with occult bacteremia. *J Pediatr* 109:15-19, 1986.
25. Katz BZ, **Shapiro ED:** Predictors of persistently positive blood cultures in children with occult bacteremia with salmonella. *Pediatr Infect Dis* 5:713-714, 1986.
26. **Shapiro ED:** Lack of transmission of hepatitis B in a day care center. *J Pediatr* 110:90-92, 1987.

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28. Lichtman J, **Shapiro ED**, Petersen L, Hadler J, Haemophilus Vaccine Study Group: The use of *Haemophilus influenzae* type b polysaccharide vaccine in New Haven, Connecticut. *Pediatrics* 80:288-289, 1987.
29. Jenson HB, **Shapiro ED**: Primary herpes simplex virus infection of a diaper rash. *Pediatr Infect Dis J* 6:1136-7, 1987.
30. Christie CDC, Havens PL, **Shapiro ED**: Bacteremia with Group A streptococci in childhood. *Am J Dis Child* 142:559-561, 1988.
31. **Shapiro ED**, Murphy TV, Wald ER, Brady CA: The protective efficacy of *Haemophilus influenzae* type b polysaccharide vaccine in Connecticut, Dallas and Pittsburgh. *JAMA* 260:1413-1418, 1988.
32. Baltimore, RS, Duncan RL, **Shapiro ED**, Edberg SC: The epidemiology of pharyngeal colonization of infants with gram-negative rod bacteria. *J Clin Microbiol* 27:91-95, 1989.
33. **Shapiro ED**: Analytic strategies in hospital epidemiology: Case-control studies. *Infect Control* 10:167-169, 1989.
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35. Leventhal JM, **Shapiro ED**, Bauchner H: Science versus opinion: A response to Cunningham's Critique. *J Human Lact* 5:126-128, 1989.
36. Alario AJ, Nelson EW, **Shapiro ED**: The impact of blood cultures on the management of outpatients with bacteremia. *J Pediatr* 115:195-199, 1989.
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41. **Shapiro ED**, Ward JI: The epidemiology and prevention of disease caused by *Haemophilus influenzae* type b. *Epidemiol Rev* 13:113-42, 1991.
42. **Shapiro ED**, Berg AT, Austrian R, Schroeder D, Parcells V, Margolis A, Adair R K, Clemens JD: The protective efficacy of polyvalent pneumococcal polysaccharide vaccine. *N Engl J Med* 325:1453-1460, 1991.
43. Forsyth BW, **Shapiro ED**, Horwitz RI, *et al*: Misdiagnosis of Reye's-like illness. *Am J Dis Child* 145:964-966, 1991.
44. Katz BZ, Berkman AB, **Shapiro ED**: Serologic evidence of active Epstein-Barr virus infection in the EBV-associated lymphoproliferative disorders of the Acquired Immunodeficiency Syndrome. *J Pediatr* 120:228-232, 1992.
45. Loughlin AM, Marchant CD, Lett S, **Shapiro ED**: Efficacy of *Haemophilus influenzae* type b vaccines in Massachusetts children 18 to 59 months of age. *Pediatr Infect Dis J* 11:374-379, 1992.
46. Andiman WA, Silva TJ, **Shapiro ED** *et al*: Predictive value of the human immunodeficiency virus 1 antigen test in children born to infected mothers. *Pediatr Infect Dis J* 11:436-40, 1992.
47. Gerber MA, **Shapiro ED**: Diagnosis of Lyme disease in children. *J Pediatr* 121:157-162, 1992.
48. Korones DN, Marshall GS, **Shapiro ED**: Outcome of children with occult bacteremia caused by *Haemophilus influenzae* type b. *Pediatr Infect Dis J* 11:516-520, 1992.
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50. Rubin RH, **Shapiro ED**, Andriole VT, Davis RJ, Stamm WE: Evaluation of new anti-infective drugs for the treatment of urinary tract infection. *Clin Infect Dis* 15(Suppl 1):S216-2S227; 1992.
51. **Shapiro ED**, Gerber MA, Holabird N, Berg AT, Feder HM, Bell GL, Rys PR, Persing DH: A controlled trial of antimicrobial prophylaxis for Lyme disease after deer-tick bites. *N Engl J Med* 327:1769-1773; 1992.
52. Feder HM Jr, Gerber MA, Krause PJ, Ryan R, **Shapiro ED**: Early Lyme disease presenting as a flu-like illness without erythema migrans. *Pediatrics* 91:456-459; 1993.

53. Ikeda MK, Andiman WA, Mezger JL, **Shapiro ED**, Miller G: Quantitative leukoviremia and immune complex dissociated antigenemia as predictors of infection status in children born to HIV-1 seropositive mothers. *J Pediatr* 1993; 122:524-531.
54. **Shapiro ED**, Austrian R: Serotypes responsible for invasive pneumococcal infections among children in Connecticut. *J Infect Dis* 1994;169:212-213.
55. Andiman WA, Mezger J, **Shapiro ED**. Invasive bacterial infections in children born to women infected with Human immunodeficiency virus type 1. *J Pediatr* 1994;124:846-852.
56. Korones DN, **Shapiro ED**. Occult pneumococcal bacteremia: What happens to the child who appears well at re-evaluation? *Pediatr Infect Dis J* 1994;13:382-386.
57. Gerber MA, **Shapiro ED**, Krause PJ, Cable RG, Badon SJ, Ryan RW. The risk of acquiring Lyme disease or babesiosis from a blood transfusion. *J Infect Dis* 1994;170:231-234.
58. Berg AT, Shinnar S, **Shapiro ED**, Salomon ME, Crain EF, Hauser WA. Risk factors for a first fe
59. Fedson DS, **Shapiro ED**, LaForce FM, Mufson M, Musher DM, Spika JS, Breiman RF, Broome CV. Pneumococcal vaccine after 15 years of use. *Arch Intern Med* 1994;154:2531-2535.
60. Gerber MA, **Shapiro ED**, Bell GL, Sampieri A, Padula SJ. Recombinant outer surface protein C ELISA for the diagnosis of early Lyme disease. *J Infect Dis* 1995;171:724-727.
61. **Shapiro ED**. Lyme disease in children. *Am J Med* 1995;98:69S-73S.
62. Seltzer EG, **Shapiro ED**. Misdiagnosis of Lyme disease: When not to order serologic tests. *Pediatr Infect Dis J* 1996;15:762-763.
63. Simpson BJ, **Shapiro ED**, Andiman WA. Reduction in the risk of vertical transmission of HIV-1 associated with treatment of pregnant women with orally-administered zidovudine alone. *J AIDS Hum Retrovirol* 1997;14:145-152.
64. Gerber MA, **Shapiro ED**, Ryan RW, Bell GL. Evaluations of enzyme-linked immunosorbent assay procedure for determining specific Epstein-Barr virus serology and of rapid test kits for diagnosis of infectious mononucleosis. *J Clin Microbiol* 1996; 34:3240-3241.
65. Gerber MA, **Shapiro ED**, Burke GS, Parcells VJ, Bell GL, Pediatric Lyme Disease Study Group. Lyme disease in children in Southeastern Connecticut. *N Engl J Med* 1996;335:1270-1274.

66. Kramer MS, **Shapiro ED**. Management of the young febrile child: A commentary on recent practice guidelines. *Pediatrics* 1997;100:128-134.
67. Berg AT, Shinnar S, Darelsky AS, Holford TR, **Shapiro ED**, Salomon ME, Crain EF, Hauser WA. Predictors of recurrent febrile seizures: A prospective cohort study. *Arch Pediatr Adolesc Med* 1997;151:371-378.
68. Gerber MA, Zemel LS, **Shapiro ED**. Lyme arthritis in children: Clinical epidemiology and long-term outcomes. *Pediatrics* 1998;102:905-908.
69. Mahabee-Gittens EM, Bachman DT, **Shapiro ED**, Dowd MD. Chest radiographs in the pediatric emergency department for children \leq 18 months of age with wheezing. *Clin Pediatr* 1999;38:395-9.
70. Butler JC, **Shapiro ED**, Carbone GM. Pneumococcal vaccines: History, current status and future directions. *Am J Med* 1999;107(1A):69S-76S.
71. Simpson BJ, **Shapiro ED**, Andiman WA. A prospective cohort study of children born to HIV-infected mothers, 1985-1997: Trends in the risk of vertical transmission, survival, and AIDS-indicator diseases in the era before highly active antiretroviral therapy. *Pediatr Infect Dis J* 2000;19:618-24.
72. Seltzer EG, Gerber MA, Cartter ML, Freudigman K, **Shapiro ED**. Long-term outcomes of persons with Lyme disease. *JAMA* 2000;283:609-16.
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74. **Shapiro ED**, Gerber MA. State-of-the-Art Clinical Article: Lyme disease. *Clin Infect Dis*. 2000;31:533-42.
75. Juhn YJ, **Shapiro ED**, McCarthy P, Freudigman K. Willingness of directors of child care centers to care for children with chronic infections. *Pediatr Infect Dis J* 2001;20:77-9.
76. LaRussa P, Steinberg SP, **Shapiro E**, Vazquez M, Gershon AA. Viral strain identification in varicella vaccinees with disseminated rashes. *Pediatr Infect Dis J* 2000;19:1037-9.
77. Vázquez M, LaRussa PS, Gershon AA, Steinberg SP, Freudigman K, **Shapiro ED**. Effectiveness of Varicella Vaccine in Clinical Practice. *N Engl J Med* 2001;344:955-60.
78. Colson ER, Bergman DM, **Shapiro ED**, Leventhal JM. Position for sleep: Association with parents= perception of their nursery experience. *Birth* 2001;28:249-53.

79. Juhn YJ, St. Sauver J, **Shapiro ED**, McCarthy PL. How do child care center personnel define fever? *Ambul Child Health* 2001;7:143-8.
80. Juhn YJ, Sauver JS, **Shapiro ED**, McCarthy PL. Child care program directors' level of knowledge about asthma and factors associated with knowledge. *Clin Pediatr* 2002; 41:111-6.
81. **Shapiro ED**. Long-term outcomes of persons with Lyme disease. *Vector Borne and Zoonotic Dis* 2002;2:279-81.
82. Vázquez M, Sparrow SS, **Shapiro ED**. Long-term neuropsychologic and health outcomes of children with facial nerve palsy due to Lyme disease. *Pediatrics* 2003;112:e93-7.
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84. Benin AL, Vitkauskas G, Thornquist E, **Shapiro ED**, Schiffman R, Concato J, Krumholz H. Using an Electronic Medical Record for Assessing Quality of Care in an Outpatient Setting: Experience with Pharyngitis in Children Medical Care 2005; 43:691-8.
85. Kuhn B, **Shapiro ED**, Walls TA, Friedman AH. Predictors of outcome of myocarditis. *Pediatr Cardiol* 2004;25:379-84.
86. **Shapiro ED**. Case-control studies of the effectiveness of vaccines: Validity and assessment of bias. *Pediatr Infect Dis J* 2004;23:127-31.
87. Benin AL, Dembry L, **Shapiro ED**, Holmboe ES. Reasons physicians accepted or declined smallpox vaccine: February-April, 2003. *J Gen Intern Med* 2004; 18:85-89.
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92. Spiro DM, Khoon-Yen T, Dziura J, Baker DM, Arnold DH, **Shapiro ED**. Wait and see prescription for the treatment of acute otitis media: A randomized, controlled trial. *JAMA* 2006;296:1-7.
93. Wormser GP, Dattwyler RJ, **Shapiro ED**, et al. The clinical assessment, treatment and prevention of Lyme disease, human granulocytic Anaplasmosis, and Babesiosis: Clinical practice guidelines by the Infectious Diseases Society of America. *Clin Infect Dis* 2006;43:1089-1134.
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EXHIBIT B

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May 8, 2008

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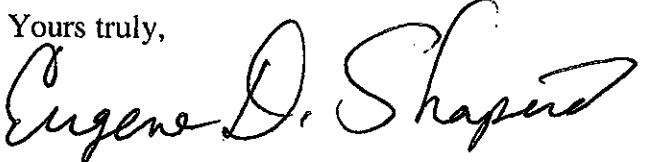
Re: Luz Vega

Dear Ms. Chase:

I have reviewed the records that you sent to me about Luz Vega. Based on my education and training and review of this material, within a reasonable degree of medical probability, it is my opinion that the cerebral palsy and profound psychomotor retardation and other injuries sustained by Luz are not the result of congenital syphilis. The reasons for my opinion include the following:

1. Luz's mother received treatment with penicillin during pregnancy long before Luz's birth.
2. Results of non-treponemal antibody tests (RPR) of the blood (and one treponal antibody test) in the early neonatal period were either negative or had low-positive titers (1:1 or 1:2), consistent with antibody passively acquired from the mother rather than infection of the fetus.
3. Analysis of the cerebrospinal fluid showed no evidence of inflammation of the central nervous system. The white blood cell count and the concentration of protein were normal and the VDRL test result was negative, all of which indicate that neurosyphilis was not present.
4. The serum FTA antibody test result done on May 6, 2008 was negative. This is overwhelmingly strong evidence that Luz never had congenital syphilis, since this test remains positive for many years (usually for life) after infection.
5. I understand that other experts (as well as the physicians who cared for the child at birth) have opined that this child suffered hypoxic ischemic encephalopathy (HIE). Certainly this is a much more plausible explanation for the child's clinical course, since children with congenital syphilis do not have the very low Apgar scores, hypotonia followed by hypertonia and other clinical features that are typical in children with HIE that characterized Luz's clinical course.

Yours truly,



Eugene D. Shapiro, M.D.
Professor of Pediatrics, Epidemiology and Investigative Medicine

ATTORNEY DECLARATION OF SERVICE

The undersigned, an attorney admitted to practice law before the Courts of the State of New York and this Court, hereby declares under penalty of perjury that on May 9, 2008 he served the following document:

Plaintiff's Rule 26(a)(2) Disclosure for Eugene Shapiro, M.D.

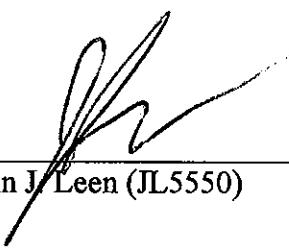
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Dated: Yonkers, New York
May 9, 2008


John J. Leen (JL5550)